



Rep. Rita Mayfield

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LRB099 07952 RJF 33245 a

1 AMENDMENT TO HOUSE BILL 2503

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2503 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Sections 3-104, 3-118, and 3-824 and by adding Section  
6 3-104.5 as follows:

7 (625 ILCS 5/3-104) (from Ch. 95 1/2, par. 3-104)

8 Sec. 3-104. Application for certificate of title.

9 (a) The application for a certificate of title for a  
10 vehicle in this State must be made by the owner to the  
11 Secretary of State on the form prescribed and must contain:

12 1. The name, Illinois residence and mail address of the  
13 owner;

14 2. A description of the vehicle including, so far as  
15 the following data exists: Its make, year-model,  
16 identifying number, type of body, whether new or used, as

1 to house trailers as defined in Section 1-128 of this Code,  
2 and as to manufactured homes as defined in Section 1-144.03  
3 of this Code, the square footage based upon the outside  
4 dimensions excluding the length of the tongue and hitch,  
5 and, as to vehicles of the second division, whether  
6 for-hire, not-for-hire, or both for-hire and not-for-hire;

7 3. The date of purchase by applicant and, if  
8 applicable, the name and address of the person from whom  
9 the vehicle was acquired and the names and addresses of any  
10 lienholders in the order of their priority and signatures  
11 of owners;

12 4. The current odometer reading at the time of transfer  
13 and that the stated odometer reading is one of the  
14 following: actual mileage, not the actual mileage or  
15 mileage is in excess of its mechanical limits; and

16 5. Any further information the Secretary of State  
17 reasonably requires to identify the vehicle and to enable  
18 him to determine whether the owner is entitled to a  
19 certificate of title and the existence or nonexistence of  
20 security interests in the vehicle.

21 (a-5) The Secretary of State shall designate on the  
22 prescribed application form a space where the owner of a  
23 vehicle may designate a beneficiary, to whom ownership of the  
24 vehicle shall pass in the event of the owner's death.

25 (b) If the application refers to a vehicle purchased from a  
26 dealer, it must also be signed by the dealer as well as the

1 owner, and the dealer must promptly mail or deliver the  
2 application and required documents to the Secretary of State.

3 (c) If the application refers to a vehicle last previously  
4 registered in another State or country, the application must  
5 contain or be accompanied by:

6 1. Any certified document of ownership so recognized  
7 and issued by the other State or country and acceptable to  
8 the Secretary of State, and

9 2. Any other information and documents the Secretary of  
10 State reasonably requires to establish the ownership of the  
11 vehicle and the existence or nonexistence of security  
12 interests in it.

13 (d) If the application refers to a new vehicle it must be  
14 accompanied by the Manufacturer's Statement of Origin, or other  
15 documents as required and acceptable by the Secretary of State,  
16 with such assignments as may be necessary to show title in the  
17 applicant.

18 (e) If an application refers to a vehicle rebuilt from a  
19 vehicle previously salvaged, that application shall comply  
20 with the provisions set forth in Sections 3-302 through 3-304  
21 of this Code.

22 (f) An application for a certificate of title for any  
23 vehicle, whether purchased in Illinois or outside Illinois, and  
24 even if previously registered in another State, must be  
25 accompanied by either an exemption determination from the  
26 Department of Revenue showing that no tax imposed pursuant to

1 the Use Tax Act or the vehicle use tax imposed by Section  
2 3-1001 of the Illinois Vehicle Code is owed by anyone with  
3 respect to that vehicle, or a receipt from the Department of  
4 Revenue showing that any tax so imposed has been paid. An  
5 application for a certificate of title for any vehicle  
6 purchased outside Illinois, even if previously registered in  
7 another state, must be accompanied by either an exemption  
8 determination from the Department of Revenue showing that no  
9 tax imposed pursuant to the Municipal Use Tax Act or the County  
10 Use Tax Act is owed by anyone with respect to that vehicle, or  
11 a receipt from the Department of Revenue showing that any tax  
12 so imposed has been paid. In the absence of such a receipt for  
13 payment or determination of exemption from the Department, no  
14 certificate of title shall be issued to the applicant.

15 If the proof of payment of the tax or of nonliability  
16 therefor is, after the issuance of the certificate of title and  
17 display certificate of title, found to be invalid, the  
18 Secretary of State shall revoke the certificate and require  
19 that the certificate of title and, when applicable, the display  
20 certificate of title be returned to him.

21 (g) If the application refers to a vehicle not manufactured  
22 in accordance with federal safety and emission standards, the  
23 application must be accompanied by all documents required by  
24 federal governmental agencies to meet their standards before a  
25 vehicle is allowed to be issued title and registration.

26 (h) If the application refers to a vehicle sold at public

1 sale by a sheriff, it must be accompanied by the required fee  
2 and a bill of sale issued and signed by a sheriff. The bill of  
3 sale must identify the new owner's name and address, the year  
4 model, make and vehicle identification number of the vehicle,  
5 court order document number authorizing such sale, if  
6 applicable, and the name and address of any lienholders in  
7 order of priority, if applicable.

8 (i) If the application refers to a vehicle for which a  
9 court of law determined the ownership, it must be accompanied  
10 with a certified copy of such court order and the required fee.  
11 The court order must indicate the new owner's name and address,  
12 the complete description of the vehicle, if known, the name and  
13 address of the lienholder, if any, and must be signed and dated  
14 by the judge issuing such order.

15 (j) If the application refers to a vehicle sold at public  
16 auction pursuant to the Labor and Storage Lien (Small Amount)  
17 Act, it must be accompanied by an affidavit or affirmation  
18 furnished by the Secretary of State along with the documents  
19 described in the affidavit or affirmation and the required fee.

20 (k) The Secretary may provide an expedited process for the  
21 issuance of vehicle titles. Expedited title applications must  
22 be delivered to the Secretary of State's Vehicle Services  
23 Department in Springfield by express mail service or hand  
24 delivery. Applications must be complete, including necessary  
25 forms, fees, and taxes. Applications received before noon on a  
26 business day will be processed and shipped that same day.

1 Applications received after noon on a business day will be  
2 processed and shipped the next business day. The Secretary  
3 shall charge an additional fee of \$30 for this service, and  
4 that fee shall cover the cost of return shipping via an express  
5 mail service. All fees collected by the Secretary of State for  
6 expedited services shall be deposited into the Motor Vehicle  
7 License Plate Fund. In the event the Vehicle Services  
8 Department determines that the volume of expedited title  
9 requests received on a given day exceeds the ability of the  
10 Vehicle Services Department to process those requests in an  
11 expedited manner, the Vehicle Services Department may decline  
12 to provide expedited services, and the additional fee for the  
13 expedited service shall be refunded to the applicant.

14 (l) If the application refers to a homemade trailer, (i) it  
15 must be accompanied by the appropriate documentation regarding  
16 the source of materials used in the construction of the  
17 trailer, as required by the Secretary of State, (ii) the  
18 trailer must be inspected by a Secretary of State employee  
19 prior to the issuance of the title, and (iii) upon approval of  
20 the Secretary of State, the trailer must have a vehicle  
21 identification number, as provided by the Secretary of State,  
22 stamped or riveted to the frame.

23 (m) The holder of a Manufacturer's Statement of Origin to a  
24 manufactured home may deliver it to any person to facilitate  
25 conveying or encumbering the manufactured home. Any person  
26 receiving any such Manufacturer's Statement of Origin so

1 delivered holds it in trust for the person delivering it.

2 (n) Within 45 days after the completion of the first retail  
3 sale of a manufactured home, the Manufacturer's Statement of  
4 Origin to that manufactured home must be surrendered to the  
5 Secretary of State either in conjunction with an application  
6 for a certificate of title for that manufactured home or in  
7 accordance with Section 3-116.1.

8 (o) Each application for certificate of title for a motor  
9 vehicle shall be verified by the National Motor Vehicle Title  
10 Information System (NMVTIS) for a vehicle history report prior  
11 to the Secretary issuing a certificate of title.

12 (Source: P.A. 97-918, eff. 1-1-13; 98-749, eff. 7-16-14.)

13 (625 ILCS 5/3-104.5 new)

14 Sec. 3-104.5. Application NMVTIS warnings or errors.

15 (a) Each application for a certificate of title or a  
16 salvage certificate for a motor vehicle that is verified by the  
17 National Motor Vehicle Title Information System (NMVTIS) that  
18 is returned with a warning or error shall be reviewed by the  
19 Secretary of State, or his or her designees, as to whether the  
20 warning or error warrants a change to the type of title or  
21 brand that is issued to a motor vehicle. If the Secretary needs  
22 supplemental information to verify or corroborate the  
23 information received from a NMVTIS report, then the Secretary  
24 may use any available commercial title history services or  
25 other Secretary of State resources to assist in determining the

1 vehicle's proper designation.

2 (b) Any motor vehicle application for a certificate of  
3 title or a salvage certificate that another state has  
4 previously issued a title or brand indicating that the status  
5 of the motor vehicle is equivalent to a junk vehicle, as  
6 defined in Section 1-134.1 of this Code, shall receive a title  
7 with a "prior out of state junk" brand if that history item was  
8 issued 120 months or more before the date of the submission of  
9 the current application for title.

10 (c) Any motor vehicle application for a certificate of  
11 title or a salvage certificate that is returned with a NMVTIS  
12 warning or error indicating that another state has previously  
13 issued a title or brand indicating the status of the motor  
14 vehicle is equivalent to a junk vehicle, as defined in Section  
15 1-134.1 of this Code, shall be issued a junk certificate that  
16 reflects the motor vehicle's structural history, if the  
17 previously issued title or brand from another state was issued  
18 less than 120 months before the date of the submission of the  
19 current application for title.

20 (d) Any motor vehicle application for a certificate of  
21 title or a salvage certificate that is returned with a NMVTIS  
22 warning or error indicating a brand or label from another  
23 jurisdiction, that does not have a similar or comparable brand  
24 or label in this State, shall include a notation or brand on  
25 the certificate of title stating "previously branded".

26 (e) Any motor vehicle that is subject to the federal Truth

1 in Mileage Act, and is returned with a NMVTIS warning or error  
2 indicating the stated mileage of the vehicle on the application  
3 for certificate of title is 1,500 or fewer miles less than a  
4 previously recorded mileage for the vehicle, shall be deemed as  
5 having an acceptable margin of error and the higher of the 2  
6 figures shall be indicated on the new certificate of title, if  
7 the previous mileage was recorded within 90 days of the date of  
8 the current application for title and if there are no  
9 indications of fraud or malfeasance, or of altering or  
10 tampering with the odometer.

11 (f) Any applicant for a certificate of title or a salvage  
12 certificate who receives an alternative salvage or junk  
13 certificate, or who receives a certificate of title with a  
14 brand or label indicating the vehicle was previously rebuilt  
15 prior out of state junk, previously branded, or flood, may  
16 contest the Secretary's designations by requesting an  
17 administrative hearing under Section 2-116 of this Code.

18 (g) The Secretary may adopt any rules necessary to  
19 implement this Section.

20 (625 ILCS 5/3-118) (from Ch. 95 1/2, par. 3-118)

21 Sec. 3-118. Application for salvage or junking  
22 certificate; contents.

23 (a) An application for a salvage certificate or junking  
24 certificate shall be made upon the forms prescribed by the  
25 Secretary of State and contain:

- 1           1. The name and address of the owner;
- 2           2. A description of the vehicle including, so far as
- 3           the following data exists: its make, year-model,
- 4           identifying number, type of body, whether new or used;
- 5           3. The date of purchase by applicant; and
- 6           4. Any further information reasonably required by the
- 7           Secretary of State.

8           (b) The application for salvage certificate must also  
9           contain the current odometer reading and that the stated  
10          odometer reading is one of the following: actual mileage, not  
11          the actual mileage or mileage is in excess of its mechanical  
12          limits.

13          (b-5) Each application for a salvage certificate for a  
14          motor vehicle shall be verified by the National Motor Vehicle  
15          Title Information System (NMVTIS) for a vehicle history report  
16          prior to the Secretary issuing a salvage certificate.

17          (c) A salvage certificate may be assigned to any person  
18          licensed under this Act as a rebuilder, automotive parts  
19          recycler, or scrap processor, or to an out-of-state salvage  
20          vehicle buyer. A salvage certificate for a vehicle that has  
21          come from a police impoundment may be assigned to a municipal  
22          fire department. A junking certificate may be assigned to  
23          anyone. The provisions for reassignment by dealers under  
24          paragraph (a) of Section 3-113 shall apply to salvage  
25          certificates, except as provided in Section 3-117.2. A salvage  
26          certificate may be reassigned to one other person to whom a

1 salvage certificate may be assigned pursuant to this Section.

2 (Source: P.A. 95-301, eff. 1-1-08; 95-783, eff. 1-1-09.)

3 (625 ILCS 5/3-824) (from Ch. 95 1/2, par. 3-824)

4 Sec. 3-824. When fees returnable.

5 (a) Whenever any application to the Secretary of State is  
6 accompanied by any fee as required by law and such application  
7 is refused or rejected, said fee shall be returned to said  
8 applicant.

9 (b) Whenever the Secretary of State collects any fee not  
10 required to be paid under the provisions of this Act, the same  
11 shall be refunded to the person paying the same upon  
12 application therefor made within 6 months after the date of  
13 such payment, except as follows: (1) whenever a refund is  
14 determined to be due and owing as a result of an audit, by this  
15 State or any other state or province, in accordance with  
16 Section 2-124 of this Code, of a prorated or apportioned license  
17 fee payment pursuant to any reciprocal compact or agreement  
18 between this State and any other state or province, and the  
19 Secretary for any reason fails to promptly make such refund,  
20 the licensee shall have one year from the date of the  
21 notification of the audit result to file, with the Secretary,  
22 an application for refund found to be due and owing as a result  
23 of such audit; and (2) whenever a person eligible for a reduced  
24 registration fee pursuant to Section 3-806.3 of this Code has  
25 paid in excess of the reduced registration fee owed, the refund

1 applicant shall have 2 years from the date of overpayment to  
2 apply with the Secretary for a refund of that part of payment  
3 made in excess of the established reduced registration fee.

4 (c) Whenever a person dies after making application for  
5 registration, application for a refund of the registration fees  
6 and taxes may be made if the vehicle is then sold or disposed  
7 of so that the registration plates, registration sticker and  
8 card are never used. The Secretary of State shall refund the  
9 registration fees and taxes upon receipt within 6 months after  
10 the application for registration of an application for refund  
11 accompanied with the unused registration plates or  
12 registration sticker and card and proof of both the death of  
13 the applicant and the sale or disposition of the vehicle.

14 (d) Any application for refund received after the times  
15 specified in this Section shall be denied and the applicant in  
16 order to receive a refund must apply to the Court of Claims.

17 (d-5) Refunds may be granted for any title-related  
18 transaction if a title application has not been processed by  
19 the Secretary of State. If any application for a certificate of  
20 title under Section 3-104 or salvage title under Section 3-118  
21 is verified by the National Motor Vehicle Title Information  
22 System (NMVTIS), and receives a warning or error from the  
23 NMVTIS reporting that the vehicle requires either a salvage  
24 certificate or a junk certificate in lieu of the original  
25 applied certificate of title or salvage title, then the  
26 applicant shall have 6 months to apply for a refund of cost, or

1 the difference of the certificate of title or salvage  
2 certificate.

3 (e) The Secretary of State is authorized to maintain a two  
4 signature revolving checking account with a suitable  
5 commercial bank for the purpose of depositing and  
6 withdrawal-for-return those monies received and determined  
7 upon receipt to be in excess of the amount or amounts required  
8 by law.

9 (f) Refunds on audits performed by Illinois or another  
10 member of the International Registration Plan shall be made in  
11 accordance with the procedures as set forth in the agreement.

12 (Source: P.A. 92-69, eff. 7-12-01.)

13 Section 10. "AN ACT concerning transportation", approved  
14 August 5, 2013, (Public Act 98-176), as amended by "AN ACT  
15 concerning transportation", approved July 16, 2014, (Public  
16 Act 98-722), is amended by changing Section 99 as follows:

17 (P.A. 98-176, Sec. 99)

18 Sec. 99. Effective date. This Act takes effect July 1, 2015  
19 ~~July 8, 2015.~~

20 (Source: P.A. 98-176; 98-722)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law."